

Exhibit A

NBR Planned Community Development Plan Revisions and Errata

Page 2-2

Revise Section 2.2.1.3 as follows:

2.2.1 Planned Community Districts

3. Visitor-Serving Resort/Residential District, to allow for a maximum 75-room resort inn to include ancillary uses such as restaurants, ~~and bars~~ spas, fitness centers, meeting and banquet facilities, retail shops, and other similar complementary visitor-serving commercial uses or free standing visitor serving retail uses without a resort inn component. Bars and cocktail lounges shall be permitted in the Visitor Serving Resort/Residential District only when ancillary to a restaurant, inn, or hotel. This district also allows for resort-oriented residential units of up to 40.0 dwelling units per gross acre if developed in conjunction with the resort inn. In the event a resort inn is not developed this land use district allows the development of residential land uses of up to 9.0 dwelling units per gross acre within the entire district, with or without visitor-serving commercial uses or visitor serving commercial uses alone.

~~1.~~ **5. Mixed-Use/Residential District**, to allow for the mixed use development of residential uses of up to 40.0 dwelling units per gross acre and a maximum of 75,000 square feet of neighborhood serving commercial uses as vertical mixed use with commercial uses on the ground floor and residential above, or as horizontal mixed use with commercial uses and residential uses in separate buildings designed as a cohesive and unified development. The residential component of mixed use development may include residential single family attached or multi-family residential dwelling units and ancillary private recreational facilities to serve the residents of the development. The neighborhood serving commercial component of mixed use development may include a grocery market (s), restaurants, personal services, and professional offices. Other allowable uses in the Mixed Use/Residential District include hotels and inns which could include a restaurant. Bars and cocktail lounges shall be permitted only when ancillary to a restaurant, inn, or hotel.

Page 2-4

Change the acreage assigned to Community Park as follows:

2.4.1 Community Park District (CP)

Approximately 26.8 gross acres designated as CP shall be developed as a public Community Park as part of the Project. Approximately 21.8 gross acres of the CP district comprising the public Community Park shall be offered for dedication to the City to serve the active recreational needs of the Project residents and the community at large. The remaining approximately 5.0 gross acres of the CP district comprising the public Community Park shall be privately maintained by the Project and made permanently available for public use through a deed restriction and/or recorded public easement.

Page 2-5

Add the following text to Section 2.5, Visitor Serving Resort/Residential District (VSR/R), first paragraph as follows:

The purpose of the Visitor-Serving Resort/Residential District is to designate approximately 11.3 gross acres to allow for development of a resort inn and resort oriented residential uses within the NBR-PC. In the event a resort inn is not developed in this land use district pursuant to NBR-PC Sections 4.4.4 "Findings for Approval of a Master Development Plan," or 4.5.3 (Site Development Review) "Application Review," the NBR-PC allows for development of residential uses and/or visitor serving commercial uses within the land use district subject to the provisions of NBR-PC Section 4.18.b, "Transfer of Residential Dwelling Units."

Page 2-5

Revise Section 2.5.1 as follows:

2.1. Resort Inn and Resort Oriented Residential Uses

A resort inn ~~of up to~~ with a maximum of 75 overnight accommodations (guest rooms) with a lobby and related guest areas, along with support commercial uses ancillary to a resort, such as, restaurant(s), ~~and bars~~ gift and sundry shops, business center(s), fitness center(s), spa/salon/treatment rooms, swimming pools and recreation facilities, banquet and meeting rooms, areas for food and beverage preparation, administrative offices, housekeeping areas, maintenance areas, and employee facilities. Ancillary commercial uses are those uses customary and proportional to the resort. ~~Visitor serving~~ Commercial uses included as part of ancillary to resort inn development shall not be counted as part of the maximum 75,000 square feet of commercial area permitted within the NBR-PC.

Page 2-5

Add the following text to Section 2.5.3 referencing the NBR-PC provisions for transfer of residential dwelling units into the VSR/R district as follows:

2. Residential Uses

~~Up to~~ In the event a resort inn is not developed in the VSR/R district, pursuant to NBR-PC Sections 4.4.4 "Findings for Approval of a Master Development Plan," or 4.5.3 (Site Development Review) "Application Review," development of a maximum of 100 conventionally-owned residential dwelling units is allowed pursuant to the provisions Section 4.18, "Transfer of Residential Dwelling Units," of the NBR-PC. ~~in the event a resort inn is not developed in the VSR/R district.~~ These residential dwelling units shall be counted as part of the maximum 1,375 residential dwelling units permitted within the NBR-PC. An application for Site Development Review for residential development within the entire VSR/R district shall not be permitted to be submitted any earlier than two years from the effective date of an approved Development Agreement for the Project Site.

Page 2-5

Add the following text to Section 2.5.4 referencing the NBR-PC provisions allowing for transfer of visitor serving commercial uses to the VSR/R district and ~~delete~~ clarify "bars" as a visitor serving commercial use:

3. Visitor Serving Commercial Uses

In the event a resort inn is not developed in the VSR/R district pursuant to NBR-PC Sections 4.4.4 "Findings for Approval of a Master Development Plan," or 4.5.3 (Site Development Review) "Application Review," development of visitor-serving commercial uses independent of a resort ~~use inn such as,~~ to include but not limited to restaurant(s) ~~and bars,~~ gift and sundry

shops, business centers, fitness centers, spas and salons, swimming pools and recreation facilities and similar uses are permitted subject to the provisions of Section 4.19, "Transfer of Commercial Area from MU/R District to VSR/R District," of the NBR-PC. Bar and cocktail lounges shall be permitted only when ancillary to a restaurant. This type of All visitor serving commercial use developed independently of a resort inn shall be counted as part of the maximum 75,000 square feet of commercial area permitted within the NBR-PC.

Page 3-1, Add the following text to the last sentence of the second paragraph of Section 3.2.1, "Oil Operations," as follows:

All surface oil production facilities located in areas outside of the OF District in existence after the effective date of the NBR-PC shall be legal non-conforming structures, and subject to NBMC Chapter 20.38, "Nonconforming Uses and Structures," ~~and subject solely to the provisions of NBMC Sections 20.38.010 through 20.38.050 of Chapter 20.38~~ and may continue for a maximum period of ten years following completion of annexation of the unincorporated County areas of the Project Site to the City.

Page 3-3

Add the following requirement:

Retaining walls over 8 feet in height shall incorporate strategies to visually soften and/or minimize their appearance from public views. Strategies for visual softening may include the use of stepped retaining walls, the use of crib walls, and/or landscape screening.

Page 3-4

Delete the following text from Section 3.3 Landscape Regulations:

~~. The design and improvement of all developer-installed public parks, including landscape and irrigation plans, within the Project Site shall be subject to approval of a Site Development Review by the City pursuant to Section 4.5 of the NBR-PC, "Site Development Review."~~

Page 3-12

Revise Section 3.9.7, "Legal Non-Conforming Uses," as follows:

3.9.7 Legal Non-Conforming Uses

Any use within the Project Site lawfully existing at the time of the effective date of the NBR-PC including, without limitation, surface and subsurface oil and natural gas production operations, maintenance and operation of existing easements and pipelines, surface leases for storage yards, and other oil-related buildings, structures, and maintenance areas shall be considered legal non-conforming uses and may be continued subject to NBMC Chapter 20.38.010 through 20.38.050, "Nonconforming Uses and Structures," for up to ten years following the completion of annexation of areas located in the unincorporated County to the City, notwithstanding any omission of a particular such use in Table 3-1, "Allowable Uses." ~~Legal non-conforming uses are not permitted to be expanded.~~

Pages 3-14 and 3-15

Revise Table 3-1, Allowable Uses as follows:

1. Delete Bars and Nightclubs

2. Add Bars and cocktail lounges when ancillary to a hotel, resort inn, or restaurant as conditionally permitted in VSR/R and MU/R.
3. Delete Breweries, micro ~~as a conditionally permitted use in the VSR/R district.~~
4. Delete Residential Care Facilities 6 or fewer unlicensed as a conditionally permitted use in the RL, RL/M and RM districts.
5. Delete "Eating and drinking establishments sit down dining" and "Eating and drinking establishments, sit down dining no alcohol service".
6. Add "Restaurants with alcoholic beverage service and/or live entertainment" as conditionally permitted.
7. Add "Restaurants" as permitted.

Page 4-4

Revise Section 4.4.4, "Findings for Approval of a Master Development Plan," adding finding number 6 as follows:

6. An application for a Master Development Plan which does not include a resort inn, hotel, or similar visitor accommodation, within the VSR/R District, cannot be approved without first adopting one of the following three findings:

A resort inn, hotel, or similar visitor accommodation has been approved for development in either the VSR/R District or the MU/R District; or

There is sufficient undeveloped land in the VSR/R District adequate to accommodate a 75-room resort inn, hotel, or similar visitor accommodation; or

An independent feasibility analysis prepared by an independent consultant selected by the Director of Community Development and paid for by the applicant, indicates that the development of a 75-room resort inn, hotel, or similar visitor accommodation is not economically viable taking into account any one or all of the following identifiable factors 1) economic, 2) environmental, 2) social, and/or 3) physical site constraints.

Page 4-5

Revise Section 4.4.6, "Requirement for Site Development Review" as follows:

~~4.4.6 Requirement for Site Development Review~~

4.4.6 Development Activities Pursuant to Approved MDP and Recordation of Final Map

4.4.6.1 Activities Subject to Community Park Improvement Plan Approval

The following development activities are permitted pursuant to approval of the MDP for the Project Site, subject to recordation of a final subdivision map, approval of a Community Park Improvement Plan, and approval of all required permits from local, State (including Coastal Commission), and Federal agencies:

1. Construction of public park and recreational facilities in the CP district that are to be offered for dedication to the City.

4.4.6.2 Activities Subject to Requirement for Site Development Review Approval

The following development activities are permitted pursuant to approval of the MDP for the Project Site subject to recordation of a final subdivision map, City approval of Site Development Review, as described in Section 4.5, "Site Development Review," of the NBR-PC, , and approval of all required permits from local, State (including Coastal Commission), and Federal agencies:

1. Development of land uses within the Residential Districts, Visitor Serving Resort and Residential District, Mixed Use and Residential District, ~~Park and Recreation District~~, ~~Bluff Park District~~, ~~Interpretive Park District~~, and areas of the Community Park District not offered for public dedication.

Page 4-6

Revise Section 4.5.3 "Application Review," as follows:

- ~~4. Applications for Site Development Review shall be submitted and reviewed in accordance with NBMC Chapter 20.52.080 "Site Development Reviews," Sections C through H.~~

~~In addition to the above, an application for Site Development Review which does not include a resort inn, hotel, or similar visitor accommodation, within the VSR/R District, cannot be approved without first adopting one of the following three findings:~~

- ~~a. A resort inn, hotel, or similar visitor accommodation has been approved for development in either the VSR/R District or the MU/R District; or~~
- ~~b. There is sufficient undeveloped land in the VSR/R District adequate to accommodate a 75-room resort inn, hotel, or similar visitor accommodation; or~~
- ~~c. An independent feasibility analysis prepared by an independent consultant selected by the Director of Community Development and paid for by the applicant, indicates that the development of a 75-room resort inn, hotel, or similar visitor accommodation is not economically viable taking into account any one or all of the following identifiable factors 1) economic, 2) environmental, 2) social, and/or 3) physical site constraints.~~

Page 4-7

Add a new Section 4.6, Community Park Improvement Plan, and renumber subsequent sections accordingly.

4.6 Community Park Improvement Plan

4.6.1 Purpose and Intent

The purpose of a Community Park Improvement Plan is to provide for the review of specific park design prior to construction of public park and recreational facilities within areas of the CP district that are to be offered for public dedication.

4.6.2 Applicability

Approval by the City of a Community Park Improvement Plan is required as described in Section 4.4.6 "Development Activities pursuant to Approved MDP and Recordation of Final Map" prior to any construction activity within the portion of the CP District to be offered for dedication to the City.

4.6.3 Review and Approval

A Community Park Improvement Plan shall include, a comprehensive site plan for the community park, floor plans and elevations for any community facility buildings and restrooms, landscape and irrigation plans, lighting plans, plans for play fields and passive recreation areas, parking layout, and other public facilities to be located within the Community Park, grading plans, infrastructure improvement plans, and any other information deemed necessary for review by the Director of Recreation and Senior Services. The Community Park Improvement Plan shall be reviewed and approved by the Director of Recreation and Senior Services.

Page 4-8

Revise the last paragraph in Section 4.8 "Coastal Development Permit ," as follows:

When any CDP(s) or MCDP is approved by the Coastal Commission that varies from the approval granted by the City for the same application, ~~said CDP(s) or MCDP shall be resubmitted and reviewed by the City as a new application.~~ the applicant shall submit a request for determination of substantial conformance to the Director. The Director has the authority to refer any request for substantial conformance to the City Council for consideration and final action on the request.

~~Page 4-11~~

~~Revise Section 4.8, "Subdivision Maps," to add the following text:~~

~~In addition to the above, an application for a subdivision map which does not include a resort inn, hotel, or similar visitor accommodation, within the VSR/R District, cannot be approved without first adopting one of the following three findings:~~

- ~~1. A resort inn, hotel, or similar visitor accommodation has been approved for development in either the VSR/R District or the MU/R District; or~~
- ~~2. There is sufficient undeveloped land in the VSR/R District adequate to accommodate a 75-room resort inn, hotel, or similar visitor accommodation; or~~
- ~~3. An independent feasibility analysis prepared by an independent consultant selected by the Director of Community Development and paid for by the applicant, indicates that the development of a 75-room resort inn, hotel, or similar visitor accommodation is not economically viable taking into account any one or all of the following identifiable factors 1) economic, 2) environmental, 2) social, and/or 3) physical site constraints.~~

Page 4-14 through 4-17

Delete Section 4.16, "Land Use Acreage Refinement, Transfer of Residential Dwelling Units, and Transfer of Commercial Area," Delete Section 4.17, "Minor Modifications," as follows

:

4.16 Land Use Acreage Refinement, Transfer of Residential Dwelling Units, and Transfer of Commercial Area

Land use acreage refinements, transfer of planned residential dwelling units, and transfer of commercial square footage from that described in Exhibit 2-2, "Planned Community Development Table," may be approved within the NBR-PC in accordance with the provisions of Section 4.17, Minor Modifications."

4.17 Minor Modifications

This Section describes activities that constitute minor modifications to the NBR-PC and establishes the procedure for approving minor modifications to the NBR-PC. The following are considered minor modifications to the NBR-PC, including Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table."

4.17.1 Land Use Acreage Refinements

A change in the Land Use District boundary lines as illustrated on Exhibit 2-1, "Planned Community Development Plan," and corresponding change in the Gross Acres for the respective Land Use District as described on Exhibit 2-2, "Planned Community Development Table," is permitted as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided the requested change does not result in:

1. An increase in gross acres or gross density of more than fifteen percent (15%) of the land use district for which the change is requested;
2. A reduction in the total area allocated to the Lowland Open Space/Public Trails and Facilities District to less than 115 gross acres;
3. A reduction in the total area allocated to the Upland Open Space /Public Trails and Facilities District to less than 85 gross acres;
4. A reduction in the total area allocated to the CP District to less than 28 gross acres; and
5. The total area within the Project Site boundary does not exceed 401.1 gross acres.

4.17.2 Transfer of Residential Dwelling Units

A change in the planned number of residential dwelling units for any Land Use District as described on Exhibit 2-2, "Planned Community Development Table," resulting from a transfer of residential dwelling units from one Residential Land Use District to another, is permitted as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided:

1. The transfer does not result in an increase of more than fifteen percent (15%) in the total number of planned dwelling units described on Exhibit 2-2, "Planned Community Development Table," for the Land Use District receiving additional dwelling units;
2. The total number of dwelling units for the Project Site does not exceed 1,375; applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations," for the housing types planned for development;
4. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.
5. The total number of dwelling units within the MU/R Land Use District does not exceed 730;

and

~~6. A corresponding subdivision map is approved by the City if the transfer results in a change to any previously approved subdivision map.~~

~~4.17.3 Transfer of Commercial Area from MU/R District to VSR/R District~~

~~In the event a resort inn is not developed in the VSR/R District, a portion of the total commercial area described in Exhibit 2-2, "Planned Community Development Table," may be transferred from the MU/R District to the VSR/R District for development of ancillary visitor-serving commercial uses such as restaurants, bars, visitor and tourist oriented retail shops, a fitness facility, a full-service health spa, park and recreation facilities, and similar uses provided:~~

- ~~1. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.~~
- ~~2. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer. The visitor-serving commercial uses can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations commercial development within in the VSR/R land use district.~~

~~4.17.4 Review Authority~~

~~The review authority for a minor modification to the NBR-PC shall be the same review authority as established in this Chapter with authority to approve or conditionally approve the development application being considered in conjunction with a request for a minor modification. A minor modification to the NBR-Planned Community Development Plan and/or Planned Community Development Table shall be processed in accordance with the following procedures:~~

- ~~1. An application to revise the Planned Community Development Plan and/or Planned Community Development Table shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;~~
- ~~2. An application for a minor modification to revise the Planned Community Development Plan and/or Planned Community Development Table shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined by the Director; and~~
- ~~3. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.~~

Page 4-14

Add a new Section 4.17, "Substantial Conformance," as follows:

4.17 Substantial Conformance

Changes in the Land Use District boundary lines as illustrated on Exhibit 2-1, "Planned Community Development Plan," and a corresponding change in the Gross Acres for the respective Land Use District as described on Exhibit 2-2, "Planned Community Development

Table,” as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, is considered to be in substantial conformance with the NBR-PC provided the change complies with the following:

1. Any resulting increase in gross acres or gross density is no more than fifteen percent (15%) of the land use district for which the change is requested;
2. There is no resulting reduction in the total area designated as Open Space District;
3. There is no resulting reduction in the total area allocated to the Public Parks/Recreation District; and
4. The total area within the Project Site boundary does not exceed 401.1 gross acres.

Page 4-15

Add a new Section 4.18, “Transfer of Residential Dwelling Units,” as follows:

4.18 Transfer of Residential Dwelling Units

4.18.1 General Requirements

A request for a change in the planned number of residential dwelling units for any Land Use District as described on Exhibit 2-2, “Planned Community Development Table,” resulting from a transfer of residential dwelling units from one Residential Land Use District to another, may be approved as part of the review of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided the requested change complies with the following:

1. The requested transfer does not result in an increase of more than fifteen percent (15%) in the total number of planned dwelling units described on Exhibit 2-2, “Planned Community Development Table,” for the Land Use District receiving additional dwelling units;
2. The total number of dwelling units for the Project Site does not exceed 1,375;
3. All dwelling units planned within the Land Use District can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, “Land Use and Development Regulations,” for the residential land use planned for development;
4. A traffic analysis performed by the City’s Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE’s “Trip Generation,” unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.
5. The total number of dwelling units within the MU/R Land Use District does not exceed 730;
6. A corresponding subdivision map is approved by the City if the transfer results in a change to any previously approved subdivision map.

4.18.2 Requirements for Residential Transfers to the VSR/R District

In addition to the requirement of Section 4.18.1 above, a request to transfer residential dwelling units to the VSR/R District shall comply with the provisions of NBR-PC Section 4.4.4 or NBR-PC Section 4.5.3, as applicable.

4.18.32 Review Requirements

1. A request to transfer residential dwelling units shall be subject to the following requirements:
 - a. The request for a transfer of residential dwelling units from one land use district to another shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;
 - b. The request for a transfer of residential dwelling units from one land use district to another shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined necessary by the Director. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

Page 4-16

Add a new Section 4.19, "Transfer of Commercial Area from MU/R to VSR/R," as follows:

4.19 Transfer of Commercial Area from MU/R District to VSR/R District

4.19.1 General Requirements

In the event a resort inn is not developed in the VSR/R District, a request to transfer a portion of the total commercial area as described in Exhibit 2-2, "Planned Community Development Table," from the MU/R District to the VSR/R District for development of ancillary visitor-serving commercial uses such as restaurants visitor and tourist oriented retail shops, a fitness facility, a full service health spa, park and recreation facilities, and similar uses may be approved as part of the review of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided:

1. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.
2. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved

in the transfer. The visitor serving commercial uses can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations." for commercial development within in the VSR/R land use district.

3. All commercial uses planned for development within the VSR/R district can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations," for the type of commercial use planned for development.

4.19.2 Requirements Transfer of Commercial Area to the VSR/R District

In addition to the requirement of Section 4.19.1 above, a request to transfer commercial area to the VSR/R District shall comply with the provisions of NBR-PC Section 4.4.4 or NBR-PC Section 4.5.3, as applicable.

4.19.32 Review Requirements

A request for transfer of commercial square footage from the MU/R District to the VSR/R District shall be subject to the following requirements.

- a. The request shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;
- b. The request shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined necessary by the Director. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

Page 4-17

Add a new Section 4.20, "Transfer of Commercial Area from MU/R District to RL/M or RM District," as follows:

4.20 Transfer of Commercial Area from MU/R District to RL/M or RM District

A request to transfer a maximum of 2,500 square feet of commercial square footage to either the RL/M or RM district may be approved as part of the review of a Site Development Review or subdivision map application submitted for the Project Site, in accordance with the following provisions:

1. The requested transfer is for the development of convenience commercial uses to serve the residential community.
2. Approval of the requested transfer of square footage to either the RL/M or RM district is a one-time allowable transfer and no additional transfers may be approved for any other residential district.

3. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.
4. The commercial uses planned for development within either the RL/M or RM district can be developed pursuant to the applicable development regulations established in Section 3.14, "Commercial Regulations," of the NBR-PC.

A request for transfer of commercial square footage from the MU/R District to the RL/M or RM District shall be subject to the following requirements.

a. The request shall be submitted as part of an application for approval of either a subdivision map or a Site Development Review.

b. The request shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined necessary by the Director. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

Page 4-17, Renumber Section 4-18 to Section 4-20 and revise text as follows:

4.18 20 Amendments

All proposed changes to the NBR-PC other than those identified in Section 4.17, "Minor Modifications," 4.18, "Transfer of Residential Dwelling Units, Section 4.19, "Transfer of Commercial Area from MU/R to VSR/R District," and/or Section 4.20 "Transfer of Commercial Area from MU/R to RL/M or R/M District," of the NBR-PC, or as otherwise provided for within the NBR-PC, shall be considered amendments to the NBR-PC and shall be reviewed pursuant to the provisions of NBMC Chapter 20.56.050 "Planned Community District Application Procedures."

Chapter 5 – Definitions

Add the following new definitions to Chapter 5:

Restaurants: Establishments principally engaged in serving prepared food or beverages for consumption on or off the premises.

Bars and Cocktail Lounges: Establishments licensed by the California Department of Alcohol Beverage Control and principally engaged in selling or serving alcoholic beverages for consumption on the premises and with all of the following characteristics:

1. Is ancillary to a primary use such as a restaurant, resort, inn, hotel, or other visitor accommodation as defined in the NBMC, and is limited in area to no more than thirty percent (30%) of the floor area of the primary use.
2. Provides an area for sales, service, and consumption of alcoholic beverages that is operated during the same hours as the primary use.